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REPORT ON OTHER MEETINGS AND ACTIVITIES

Contribution submitted by the Norwegian Institute of Human Rights

The attention of the Preparatory Committee is drawn to the attached report of an international conference on "The new role for non-governmental organizations monitoring human rights", which was held in Oslo from 15-18 April 1993.

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Report from an international conference on
"The New Role for NGOs Monitoring Human Rights"
Organized by the Norwegian Institute of Human Rights
Oslo, 15 - 18 April 1993

INTRODUCTION

1. The Oslo conference on "The New Role for NGOs Monitoring Human Rights" was convened to allow for a thorough discussion on the functioning of the UN human rights treaty committees and, in particular, the co-operation between them and the non-governmental organizations (NGOs).

The fruits of the discussion were to be submitted to the World Conference on Human Rights in the form of a brief report with recommendations. This is the submission.

2. The conference concentrated on the treaty bodies (or committees) set up to monitor the implementation of the major international human rights instruments: the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, and the Conventions on the Elimination of All Forms of Racial Discrimination, on the Elimination of All Forms of Discrimination against Women, against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment, and on the Rights of the Child. Reference was also made to the Group of Three monitoring the implementation of

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NB. This version of the report from the Oslo conference is not edited.

the International Convention on the Suppression and Punishment of the Crime of Apartheid.

The conference discussed the role of NGOs on international, regional, national, provincial and local level and, therefore, did not limit its analysis to those NGOs which have consultative status with the UN.

3. The discussions focused on the following aspects:

- the role of NGOs in promoting and spreading awareness about the treaties and their significance;

- ways in which NGOs can contribute to the first structural, organizational, educational and other steps for implementation;

- possibilities of involving national NGOs in the preparation of the official reports;

- ways in which the treaty bodies can constructively relate to NGOs for the purpose of obtaining information;

- possibilities for NGOs to contribute to the follow-up of State reports and the further implementation of the treaty provisions.

As the Committee on the Rights of the Child has developed new and innovative approaches since it was set up two years ago, the Oslo conference used the procedures and experiences of that body as a "model" in its discussions.

4. Among the 24 participants were one current and one former member of the Human Rights Committee, one member of the Committee on Economic, Social and Cultural Rights,

two members of the Committee on the Rights of the Child and the head of the International Instruments section of the Human Rights Centre in Geneva. Of the participants from the NGO community, five were presently involved with international organizations and seven were active primarily on regional and/or national level. In order to enrich the discussion the organizers had endeavoured to invite people with varied experiences; among countries "represented" were Philippines, Egypt, Yugoslavia, Hungary, Czech Republic, Poland, United Kingdom, France, Portugal, USA and Guyana.

3. The Conference was hosted on behalf of the Norwegian Institute of Human Rights by Torkel Opsahl (chair of the board), Asbjorn Eide (director) and Tanya Petovar (conference organizer). Ford Foundation funded the meeting.

I. THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

6. In the field of human rights NGOs fulfil several functions: monitoring and fact-finding in their own or other countries; investigating and reporting on violations; informing and educating about human rights matters and the work of international organizations; mobilizing interest groups and lobbying national governments and international bodies; advising on or directly contributing to the implementation of human rights standards. Which of these functions is performed and how, varies from country to country and from NGO to NGO. Naturally, national and international groups tend to play different, but often complementary, roles.

7. The Oslo conference recognized the important role of NGOs in relation to the implementation of the

international human rights treaties and thereby to the work of the treaty bodies. Not least, NGOs have created awareness about these conventions and their procedures. At the same time, it was acknowledged that there was potential for much greater contributions by NGOs to the implementation process, including to the work of the treaty bodies.

8. It was noted that the procedures of the treaty committees varied on this very point. Three of the bodies have designed formal procedures allowing NGOs to provide information. The Committee on the Rights of the Child has actively invited written or oral submissions from NGOs in their capacity as "other competent bodies" (art 45 of the Convention). The Committee on Economic, Social and Cultural Rights has allowed NGOs to make both written and oral submissions and the Committee Against Torture receives them in writing. It is clear, however, that members of the other committees as well have benefited from information they have obtained directly or indirectly from NGOs. In fact, it was the view of the conference that without such information the treaty committees would be severely handicapped in their efforts to assess the actual situation in relation to a country or a human rights issue on the agenda.

9. The importance of NGOs in the reporting process should be recognized in revised procedures for the committees. The principle should be that the treaty bodies be provided with all information relevant to their deliberations. The conference, therefore, welcomed the recent statement by the meeting of chairpersons of the treaty bodies in which they urged both national and international NGOs "to seek to provide as much relevant information

as possible to the treaty bodies and to do so on a systematic and timely basis".

10. For the NGOs, not least for those working on a national level, to be able to create awareness and inform the public about the international treaties, they need better and speedier information from the committees, the UN Human Rights Centre and other relevant parts of the United Nations system. Some of this burden can be - and already are - carried by international NGOs, but also they require a better information service from the UN. The needs relate to several aspects:

- up-to-date information about the proceedings of the committees; their meetings, current and future agendas, reports;

- digestable and user-friendly information about the treaties and the procedures which would make clear their significance (using not only publications but other information techniques as well);

- availability of information in relevant languages at the UN Information Centres and other UN offices; energetic promotion activities for outreach;

- possibilities for NGO activists to be granted UN scholarships for studying the treaty system; genuine access for NGO representatives to the meetings of the treaty bodies; opportunities for NGOs to meet and discuss with the committees in a less formal setting than the UN session rooms, preferably in the respective regions.

11. The Oslo conference emphasized the utmost importance of human rights NGOs enjoying freedom of association.

There are reports from some countries that activities of indigenous, voluntary organizations are still hampered through bureaucratic or legal obstacles the purpose of which obviously is to silence independent voices. It was proposed at the conference that the UN undertake a broad survey into domestic legislation and practices in this regard in member states.

12. The conference also stressed the importance of the work on a UN "Declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms" (usually referred to as the "draft declaration on human rights defenders"). A strong UN position is needed in defence of people and groups working for human rights.

II. THE FUNCTIONING OF THE TREATY BODIES

13. The Oslo conference expressed deep concern about the unsatisfactory working conditions for the treaty committees. Potentially effective procedures have in fact been undermined by the lack of priority given these mechanisms by the United Nations system itself:

- the committees are still not serviced by a computerized information system; the processing of data is clearly inefficient;

- the translation of State Party reports and other relevant documentation is slow; the production of Summary Records, reports from committee sessions and other essential documents are erratic and often delayed;

- the committee members get as a matter of policy no service from the secretariat which could facilitate their assessment of the substance of the issues to be discussed; at the same time the committees have no resources to seek research or other assistance from outside the secretariat;

- the time allowed for meetings is insufficient; especially the Committee on the Rights on the Child is bound, due to its work load, to face the risk of a serious backlog during the coming couple of years;

- the committee members are not refunded for expenditures such as phone and fax costs; instead of compensation for loss of income from ordinary work, there is a symbolic honorarium (for some of the committees); there is no budgetary provision to allow for field visits or to travel to important conferences.

14. These serious shortcomings cannot be blamed on the personnel of the Human Rights Centre in Geneva; they are the consequences of decisions on political as well as top management level. They have to be remedied in order that the credibility of the human rights treaty system not be further undermined. The conference supported the suggestion by the chairpersons that a thorough study be undertaken, ideally by an independent expert, of the full range of measures that would be required at the secretariat level if satisfactory servicing is to be provided.

15. An adequate information base is necessary for the effective functioning of this supervisory system. There is a need of a coherent and comprehensive information and documentation policy within the Centre. The ambition must be that each committee member has access to such

information he/she requires for effective contribution to the monitoring process. Computerization must now be implemented. In all this, the Centre should seek the co-operation of relevant UN agencies and bodies.

III. CREATING AWARENESS AS A STEP TOWARDS IMPLEMENTATION

16. Governments should, ideally, ratify the international human rights treaties as early as possible. Universal accession to all of them before 1995 should be one of the goals of the World Conference on Human Rights. States should be urged to withdraw reservations made and avoid making reservations in new cases.

17. Governments should report regularly, also to the public at home (e g in the parliament) about its progress on ratification of the human rights treaties. Likewise, the government should undertake to make the principles and provisions of the conventions widely known, as is concretely spelled out in article 42 of the Convention on the Rights of the Child. In Sweden that particular obligation was met by a government decision to allocate resources to a special fund from which NGOs could get finances to cover their information activities about the Convention.

18. It is advisable that other obligations of States Parties are clarified as much as possible already during the ratification process. The department on technical assistance and advisory services within the Centre could be of assistance here, as well as some UN agencies (e g UNICEF in the case of the rights of the child) and NGOs. The committees themselves, or members thereof, are a resource for such educational purposes. The conference

stressed the need of special education and training possibilities for relevant professionals.

19. The experience from the work on the rights of the child is that national structures, "focal points", could be of great importance for the promotion and co-ordination of the information, education and first-stage implementation work. Such structures could be totally non-governmental or combined NGO-offical. Whatever form is chosen, the conference underlined the value of a government invitation to NGOs for co-operation.

20. A series of other measures ought be taken at an early stage:

- the treaty should be translated into local languages and disseminated;

- legislation and administrative procedures should reviewed in the light of the provisions of the treaty in question;

- national and local monitoring systems could be reviewed, including the possibilities for complaints.

In all such activities, the NGOs have a role to play: as monitors, advocates and/or operational actors.

IV. STATE PARTY REPORTS

21. The Oslo conference was concerned that some State Party reports were not submitted in time; this in itself is a violation of one important treaty obligation. Again, the governments should take upon itself to inform the

public (e.g. in the parliament) about progress on reporting to the human rights treaty bodies. The NGOs could assist as a monitor and the Centre should provide up-to-date information on what is due and when.

22. As it is important that the whole process is open and transparent, the report writing should be organized to allow for a discussion on facts and difficulties in the implementation. NGOs and professional groups should be invited to take part, for instance at discussions within the "focal point" structure.

23. The conference underlined the importance of governments adhering to the guidelines each committee has written on the nature of data, format and structure of the reports. Again, advisory services from the Centre could be obtained.

V. DISCUSSION OF STATE PARTY REPORTS

24. A report submitted to any of the treaty bodies should be regarded as a public document. After translation it should be sent not only to the committee members, but also to UN bodies and specialized agencies and representatives of the NGO community ("other competent bodies" in the language of the Convention on the Rights of the Child).

25. The Oslo conference endorsed the procedure chosen by the Committee on the Rights of the Child in which both UN organs and NGOs are invited to provide written information relevant to the Committee in its examination of the progress made by the State Party.

26. That Committee prepares its discussions with government representatives in plenary during a closed meeting with a working group of the Committee. Relevant UN organs have the right to participate and are encouraged to do so. Based on the written submissions, NGOs could be invited. The purpose is to get a full picture of the degree of progress, but also to start a discussion on possible technical assistance.

27. The outcome of the working group meeting is a "List of Issues" sent to the government to facilitate its preparation of the plenary discussion. This list gives an impression of where the focus of the discussion is likely to be placed.

28. At a plenary session a couple of months later the discussion about the report will take place. The government, ideally represented on ministerial level, can start by responding to the questions raised in the "List of Issues". In average each discussion with a State Party is expected to last about nine hours. It is foreseen that the discussion, though public, at this stage be conducted by representatives of only the Committee and the government.

VI. CONCLUDING OBSERVATIONS AND TECHNICAL ASSISTANCE

29. At the end of the deliberations on a State Party report the Committee will agree on "Concluding observations" which closes that cycle and starts the next one. The intention is that this public statement be carefully analyzed by the authorities and NGOs in the country concerned and form the basis for further implementation activities. It will be the starting point for the

discussions next time the country is on the agenda of the Committee, normally after five years. In this connection it was proposed at the conference that the treaty bodies, or some members thereof, visit individual countries and take part in public meetings to explain treaty obligations and procedures.

30. The Committee might, however, be called upon to approach the State Party earlier and ask for further information if an urgent situation seems to have emerged. The purpose of the "urgent action procedures" is to allow for a rapid response to a problem which appears to be extra-ordinary. Both UN bodies and NGOs are invited to advise the Committee on when they feel such situations have arisen.

31. The Oslo conference recommended efforts to make it possible for all treaty bodies to adopt such methods of work. It also noted with interest the constructive approach of the Committee on the Rights of the Child in regard to technical assistance; it can transfer to UN bodies, including the specialized agencies, and other competent bodies (also NGOs) proposals on advice or assistance.

32. The treaty committees have an important role also in defining major general problems in its area of work and to encourage further and constructive discussion about them. Theme discussions could also facilitate the more concrete interpretation of the articles in the conventions and thereby assist the committees in their drafting of "General Comments" on the articles, which is an important activity.

33. The Committee on the Rights of the Child has in accordance with article 45 (c) of the Convention requested the General Assembly to recommend the Secretary-General to undertake a major study into one important problem (the protection of children in armed conflicts). To prepare for this initiative the Committee organized a special full-day discussion on that theme; NGOs as well as UN bodies contributed substantially.

34. The impact and importance of the human rights treaty system depend to a large extent on whether it becomes known and respected by people. In all this the NGOs are absolutely essential, also because they often have access to and relation with the media.

35. It must be recognized that the NGOs are independent and will naturally make up their own mind about whether it is worthwhile for them to spend time and energy on the treaties and the monitoring bodies. The Oslo conference agreed that it is important that the NGOs be granted access to the system and also be provided with the information they need to fulfil their function as both supporter and watchdog.

VII. RECOMMENDATIONS TO THE WORLD CONFERENCE

i. The World Conference should in clear terms underline the paramount importance of the international human rights treaty system.

ii. It should recomend all States to ratify the treaties to which they so far have not acceded. The goal should be universal ratification of all these instruments by the year 1995. The Conference should recommend that a clear

mechanism be defined to deal with the problem of reservations incompatible with the object and purpose of the conventions.

iii. It should recommend sufficient budgetary resources, as well as administrative reforms within the Human Rights Centre, to allow for adequate servicing of the supervisory bodies. On this point, the Conference should make clear that a quantum leap is required; the proposals in this context by the chairpersons of the treaty bodies should be endorsed.

iv. It should ask for a thorough modernization of the information and documentation facilities of the Human Rights Centre allowing for an efficient handling of data. Likewise, there should be major reforms of the public information programme in order that user-friendly materials can be made available to the public.

v. The World Conference should recognize the important role of both international and indigenous, national NGOs for the promotion and protection of human rights. It should recommend a UN survey into domestic legislation and practices in member states affecting the possibilities of human rights NGOs to be formed and function.

vi. It should express its appreciation of the contributions so far by the NGOs to the human rights treaty system and recommend revised working methods to allow for more NGO access and substantial input to the reporting procedures.

vii. It should welcome the active support of the specialized agencies and other UN bodies to the treaty

implementation process and call for further constructive co-operation in this field.

viii. NGOs, inter-governmental bodies as well as donor governments should be invited to contribute more actively to development activities aiming at making reality of the treaty based human rights. The programme of the Human Rights Centre for technical assistance and advisory services should be energized, designed for further outreach and opened for closer co-operation also with NGOs.